IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Crl.MC.No. 2038 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.6080/2006 Dated 10/11/2006

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CRIME NO.V.C. 4/2006 SCE OF VIGILANCE AND ANTI CORRUPTION BUREAU SPECIAL CELL, ERNAKULAM

PETITIONER: ACCUSED:

R.RAJENDRA PRASAD, DEPUTY TRANSPORT COMMISSIONER, THRISSUR.

BY ADV. SRI.D.PEETHAMBARAN
SRI.PRASAD GANDHI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM REPRESENTING THE SUPERINTENDENT OF POLICE, VIGILANCE AND ANTICORRUPTION BUREAU, SPECIAL CELL, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI. P.N.SUKUMARAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2038 Of 2007

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Dated this the 31st day of July, 2007

ORDER

The petitioner faces allegations under the Prevention of Corruption Act. He was released on bail subject to condition as per order dated 10.11.06 passed by another Bench of this Court. There was a direction that the petitioner shall not leave the State of Kerala, without the prior permission of the court below. The petitioner is thus obliged to remain in the State of Kerala as per the conditions presently in force. The petitioner had later come to this Court and the said condition was modified for a specific period as per Annexure ii order dated 12.02.07 passed by this Court.

2. The petitioner has now come to this Court with a prayer that the said condition may be further modified for some period of time. What is the reason? The learned counsel for the petitioner submits that the petitioner is required to be arrested in connection with a crime registered by the Trichy Police and the petitioner has secured an order of anticipatory bail from the Sessions Court of Trichy which obliges him to appear before the learned Magistrate to execute the bond and to report for interrogation before the

Investigating Officer and not to leave the Trichy district without the permission of that Court. He was initially directed to appear on or before 28.06.07 as per Annexure iii order later by Annexure viii order the said period has been extended till 28.08.07. The petitioner prays that the condition imposed may be relaxed now to enable him to comply with the conditions imposed by the Court of Session, Thiruchirappilly.

3. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the petitioner has not been complying with the conditions imposed and that the petitioner is unlikely to return if the condition were relaxed. The learned Public Prosecutor points out various acts of omission and commission on the part of the petitioner to justify the contention that the petitioner is unlikely to be available if he were permitted to leave the State of Kerala without any restrictions.

4. I note from Annexure iii and viii orders passed by the Sessions Court, Thiruchirappilly that the petitioner had not even brought to the notice of the learned Sessions Judge that he is obliged to remain within Kerala to comply with the order of bail passed in his favour. The petitioner has not applied for modification

of the condition that the petitioner must remain within the jurisdiction of the Sessions Court, Trichy by bringing to the notice of the learned Sessions Judge, the earlier condition imposed by this Court. In these circumstances I am satisfied that there is merit in the opposition by the learned Public Prosecutor. The petitioner must move the learned Sessions Court, Trichy for modification of the conditions after bringing to the notice of that court the earlier conditions imposed by this Court. I find merit in the submission of the learned Public Prosecutor that the petitioner is not revealing the whole truth to the courts and is attempting to somehow violate the conditions imposed. He has been making arrangements to obtain passports in fake names for himself and the members of his family. He is likely to flee from justice, it is urged. I find merit in that apprehension of the learned Public Prosecutor.

5. This petition is in these circumstances dismissed. It shall be open to the petitioner to move the Sessions Judge, Trichy for modifications of the conditions imposed. If the presence of the petitioner is required for any particular purpose on any particular date at Trichy he can move this Court for modifications of that

condition. At the moment the modification of the condition imposed that the petitioner should not leave the state of Kerala does not appear to be necessary.

6. This petition is dismissed with the above observations. The learned Public Prosecutor has a grievance that the petitioner is not complying with the conditions imposed. If that be so, the learned Public Prosecutor must take steps to get the bail granted to the petitioner cancelled. No better or further observations in that aspect appear to be necessary in this Crl.M.C filed by the petitioner.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE